

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:06-CR-109
)	
DONALD ANDERSON,)	(VARLAN/SHIRLEY)
)	
Defendant.)	

ORDER

This case is before the Court on retained Attorney Bryan E. Delius's Motion to Withdraw [Doc. 52], referred [Doc. 53] to the undersigned on January 13, 2009. See 28 U.S.C. § 636(b). Attorney Delius asks to withdraw from this case because the defendant has failed to communicate with him and has breached their contract by failing to appear in court as scheduled on November 3, 2008. The docket reflects that the defendant failed to appear for a change of plea hearing on November 3, 2008. A bench warrant issued for the defendant on November 5, 2008.

With regard to moving to withdraw as counsel of record, Local Rule 83.4(f) requires as follows:

Unless the client personally joins in the motion or otherwise signifies in writing to the court his/her consent to the attorney's withdrawal, a copy of the motion to withdraw shall be furnished by the attorney to the client at least ten (10) days prior to the date the motions is filed. If a hearing date on the motion is set, the attorney shall certify in writing to the court that he/she has served the client at least five (5) days before the hearing (excluding Saturdays, Sundays, and holidays) with notice (1) of the date, time, and place of the hearing, and (2) that the client has a right to appear and be heard on the motion. The attorney shall also provide to the Clerk the mailing

address and telephone number of the client.

Attorney Delius must comply with Local Rule 83.4(f) with respect to notifying the defendant of his Motion to Withdraw. Attorney Delius is **DIRECTED** to file an affidavit certifying the steps that he has taken to comply with Local Rule 83.4. Following the filing of said affidavit, the Court will schedule a hearing on the motion.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge